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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 LAURA PETERS,

13 Plaintiff,

14 v.

15 SWIFT TRANSPORTATION CO. OF  
16 ARIZONA, LLC; DOE DRIVER; DOES I  
17 through XX, inclusive; and ROE BUSINESS  
ENTITIES I through XX, inclusive,

18 Defendants.

Case No. 2:19-cv-00874-GMN-EJY

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**(FIFTH REQUEST)**

21 Defendant Swift Transportation Co. of Arizona, LLC (“Swift”) and Plaintiff Laura Peters  
22 (“Ms. Peters” or “Plaintiff”), by and through their respective undersigned counsel, hereby stipulate  
23 and agree to extend the current discovery deadlines set forth in the Scheduling Order entered on  
24 November 6, 2020 (ECF No. 34), pursuant to LR 26-3. This is the fifth stipulation to extend the  
25 discovery deadlines.

26 **A. Statement Specifying the Discovery Completed**

27 To date, the parties have completed significant discovery. Plaintiff has disclosed nineteen  
28 supplements to her Rule 26(a) initial disclosures, identifying over 50 witnesses and thousands of

1 pages of records. Plaintiff has also responded and provided supplemental responses to two sets of  
2 requests for production and one set of interrogatories. Plaintiff has also disclosed expert reports  
3 from a biomechanic, neurosurgeon, orthopedic surgeon, neurologist, and economist.

4 Swift arranged an independent medical examination of Ms. Peters by an orthopedic  
5 surgeon and disclosed the resulting report. Swift has also disclosed over a thousand pages of  
6 records. Swift has subpoenaed records from dozens of medical providers. The parties have also  
7 served and responded to Rule 34 vehicle inspection requests.

8 In addition, on January 8, 2021, Swift moved to set the Rule 35 neurological,  
9 neuropsychological, and psychiatric examinations of Ms. Peters. Following the filing of the  
10 motion, the parties further met and conferred in good faith regarding the examinations and reached  
11 the terms set forth in ECF No. 38, thereby resulting in the withdrawal of the motion. The  
12 psychiatric examination is scheduled for February 25, 2021. The neurological examination is  
13 scheduled for March 1, 2021. The neuropsychological examination is contingent on certain  
14 circumstances, but is likely to be scheduled following the initial expert disclosure deadline.

15 Swift has also noticed the deposition of Plaintiff and the parties are conferring to set the  
16 deposition on a mutually agreeable date.

17 **B. Specific Description of the Discovery that Remains to be Completed**

18 Discovery in this case has been ongoing and additional discovery remains to be  
19 completed, including, but not limited to:

- 20 • *Written Discovery.* The parties are meeting and conferring over past responses and  
21 Swift will continue to evaluate the need for additional requests or subpoenas  
22 depending on how discovery progresses, particularly since Ms. Peters is still  
23 undergoing treatment.
- 24 • *Rule 35 Examinations.* The Rule 35 examinations identified above.
- 25 • *Experts.* The parties intend to disclose additional initial and rebuttal experts.
- 26 • *Depositions.* Swift intends to take a number of depositions in this matter, including  
27 Plaintiff, several lay witnesses, several medical providers, and experts disclosed by  
28 Plaintiff. Plaintiff also intends to take a number of depositions, including, but not



1 limited to, Swift, several lay witnesses, several medical providers, and experts  
2 disclosed by Swift. Given the number of witnesses, the parties anticipate the need to  
3 take more than ten depositions.

- 4 • All other discovery deemed necessary by the parties in accordance with the scheduling  
5 order and permitted by law.

6 **C. Reasons Why Discovery was not Completed**

7 Since the last discovery extension, the parties have progressed in discovery. Due to the  
8 terms of the parties' agreement regarding scheduling the Rule 35 examinations (ECF No. 38),  
9 complications from COVID-19, as well as the extensive injuries alleged by Ms. Peters, her  
10 ongoing treatment, including recent surgery, and the complex nature of this matter, the parties  
11 believe that an additional 30-day extension is required to complete discovery.

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**D. Proposed Schedule for Completing Remaining Discovery**

<b>Event</b>	<b>Current Deadline (ECF No. 34)</b>	<b><del>Proposed</del> Deadline</b>
Discovery Cutoff	05/04/2021	06/04/2021
Deadline Amend Pleadings/Add Parties	02/03/2021	03/03/2021
Initial Expert Disclosure	03/05/2021	04/05/2021
Rebuttal Expert Disclosure	04/05/2021	05/05/2021
Dispositive Motions	06/03/2021	07/02/2021
Pretrial Order	07/05/2021	08/02/2021

If dispositive motions are filed, the deadline for filing the pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in the pretrial order.

DATED: January 26, 2021

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/s/ Ryan T. Gormley  
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Laura Peters

**IT IS SO ORDERED.**

**DATED: January 27, 2021**

  
UNITED STATES MAGISTRATE JUDGE

